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IN THE HONORABLE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 5029 OF 2005

PETITIONER : Satish kumar Thakur S/o Sri S.D. Thakur, aged 38 yrs. R/o MIG-II / 5 Maharana Pratap Nagar Korba District Korba, C.G.,

VERSUS

RESPONDENTS

1. Coal India Limited , Through it's Chairman Coal Bhawan, Netaji Subhash Marg , Kolkatta W.B.
2. South Eastern Coal Fields Ltd., Through it's Chairman-Cum-Managing Director SECL HQ. Seepat road Bilaspur District Bilaspur C.G.

P.R. No. 5084/05
Presented by Shri O.P. Sahu
dated 28/9/05

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

(18)

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No.5029/2005 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

20.10.2005

Shri Abhijeet Sarkar, counsel for the petitioner.

Heard on admission.

By way of this writ petition filed under Article 226/227 of the Constitution of India, the petitioner has prayed for issuance of writ in the nature of mandamus directing the respondents to not initiate any disciplinary action against the petitioner. He has also prayed that a direction be issued to the respondents to give the wages and other benefits to the petitioner.

The case of the petitioner is that he was working as Junior Mining Engineer in the respondents' Company. He was earlier appointed as Junior Engineer Trainee on 19.9.1990. During the course of employment, the name of the petitioner was removed from the rolls of the company and he was removed from the employment by the respondents without giving any opportunity of hearing. Against the aforesaid action of removal by the respondents, the petitioner had preferred an appeal in the year 1995 and as the appeal was not decided till the year 2001, he had preferred a writ petition vide W.P. No. 739 of 2001.

The aforesaid writ petition came up for hearing before this Court on 11.12.2003. This Court vide order dated 11.12.2003 disposed of the said writ petition with a direction to the concerned respondent to consider and decide the appeal, if already not decided, as early as possible preferably within 3 months from the

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No. 5029/2005 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

date of production of the certified copy of the order dated 11.12.2003.

It appears that perhaps the aforesaid order could not be complied in time, therefore, one M.C.C. vide No. 49 of 2004 was filed by the S.E.C.L. and certain orders were passed by this Court in the aforesaid M.C.C. on 4.2.2005 and thereafter, the appeal preferred by the petitioner was decided by the concerned appellate authority vide impugned order dated 12.5.2005 (Annexure-P/4). The operative part of the impugned order reads as under:

> *"Now, therefore, the undersigned, Chairman-cum-Managing Director, Coal India Limited, is of the view that Shri Satish Kumar Thakur should be reinstated and departmental proceedings should be initiated against him immediately and accordingly the undersigned hereby directs:-*
>
> *a) Letter dated 03.09.1993 issued by SECL is revoked.*
> *b) Shri Satish Kumar Thakur is reinstated with immediate effect subject to Medical fitness.*
> *c) He must report for duty within 30 days.*
> *d) Disciplinary proceeding against Shri Thakur for his unauthorized/habitual absence from the duty be initiated immediately.*
> *e) Intervening period shall be treated as dies-non.*
>
> *The representation of Shri Satish Kumar Thakur in this connection stands disposed of."*

It is after passing of the aforesaid order, as per term No. d of the impugned order, a disciplinary proceeding is to be initiated against the petitioner and now the petitioner comes up in this writ

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मामला क्रमांक W.P.No.5029/2005 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

petition that the aforesaid disciplinary proceeding should not be initiated.

By the impugned appellate order, the petitioner has been reinstated in service and I am of the opinion that there should be a decision through the disciplinary proceeding regarding the period of the absence of the petitioner. If the authorities are inclined to initiate the disciplinary proceeding as per impugned appellate order dated 12.5.2005, no irregularity is committed by them. I am not inclined to interfere with the impugned order at this stage.

The petition has no merits. It is dismissed at the motion stage. There shall be no orders as to costs.

Sd/-
Sunil Kumar Sinha
Judge

Vatti

25.10.05